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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,713	01/21/2004	Pei-Yuan Lee	3304.2.116	3703

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BERKELEY LAW & TECHNOLOGY GROUP, LLP
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EXAMINER

CHOI, STEPHEN

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/761,713

Applicant(s)

LEE, PEI-YUAN

Examiner

Stephen Choi

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 11, 13-15 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 11, 13-15 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 23, 2007 has been entered.

Terminal Disclaimer

2. The terminal disclaimer filed on January 23, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 11/153,645 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 13-15, and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (see Fig. 2a) in view of Almblad et al. (US 4,651,604).

AAPA discloses the invention substantially as claimed except for the handle member and the stopper being attachable and detachable with pins penetrating holes on the

Art Unit: 3724

handle member and the stopper and corresponding holes on the transmitting shaft.

Almblad teaches a handle member (e.g., 37) detachably secure to a shaft by a pin (e.g., 39) penetrating a hole on the handle member and a hole on the shaft (e.g., Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of AAPA to provide a detachable member as taught by Almblad in order to facilitate replacement of the member. The separation of elements, where removability would be desirable, is a design consideration within the skill of the art. It is noted that the element 11 of the modified device of AAPA is exchangeable between the ends.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Almblad as applied to claim 6, and further in view of Chen (D 489,763).

The modified device of AAPA discloses the invention substantially as claimed except for hexagonal posts and hollow hexagonal ends. Chen teaches a hexagonal post engaging a hollow hexagonal end. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a hexagonal post engaging a hollow hexagonal end as taught by Chen on the modified device of AAPA in order to interlock the handle and the stopper with the shaft to facilitate positioning of the handle and the stopper on the shaft.

Response to Arguments

6. Applicant's arguments filed January 23, 2007 have been fully considered but they are not persuasive.

Applicant contends that there is no teaching that the handles of AAPA are detachable and exchangeable. Furthermore, there is no teaching or motivation to combine AAPA and Almblad.

The examiner respectfully disagrees. The examiner agrees that there is no teaching in AAPA for detachable and exchangeable handles. However, detachable handles are old and well known in the art and Almblad shows one example of a detachable handle. Moreover, the separation of elements, where removability would be desirable, is a design consideration within the skill of the art. In addition, the handles of the modified device of AAPA are capable of being exchanged. The limitation "capable of being exchangeably..." merely recites the manner in which a claimed apparatus is intended to be employed. Thus, the limitation does not differentiate the claimed apparatus from the modified device of AAPA since the modified device of AAPA satisfies the claimed structural limitations.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sc
27 February 2007


STEPHEN CHOI
PRIMARY EXAMINER